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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,770	10/30/2001	Klaus A. Wieder	1078.007	3922
23598	7590	11/30/2005		
BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ, S.C. 250 E. WISCONSIN AVENUE SUITE 1030 MILWAUKEE, WI 53202			EXAMINER LUK, EMMANUEL S	
			ART UNIT 1722	PAPER NUMBER

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/021,770	Applicant(s) WIEDER, KLAUS A.	
	Examiner Emmanuel S. Luk	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51,54,55,69,70 and 74-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 51,54,55,69,70,74-78 and 87-90 is/are allowed.
- 6) ☒ Claim(s) 79-81,85 and 86 is/are rejected.
- 7) ☒ Claim(s) 82-84 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 91 and 92 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner could not determine which features in the specification and drawings are related to the "splined shaft" and "splined socket" in the newly added claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 79-81 and 85-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uratani (5788872) in view of Wietrzynski (5824350).

Uratani teaches an enlarged head (5) disposed at the end of a barrel (3), an indicia imprinted insert (41) is located in a cup (31) at the end of the barrel opposite the end with the head. The head can also be threadably received (33) in the barrel (Fig. 5). Uratani teaches a plurality of notches on a side wall (10) and coupling ring (9) with a pair of radial extending circumferentially spaced apart projections (91,92) and an upraised sidewall (6,10). The sidewall having a projection (102) that extends into a groove (32,34) of the barrel (3). The enlarged head having a threaded shank (42) acting as a fastener that comprises of a threaded shape that extends outwardly from an enlarged head wherein the threaded shank is oriented in an axial direction parallel to a longitudinal axis of the enlarged head and surrounding barrel (Fig. 1, Fig. 2) and engages the barrel end attaching the head to the barrel with the fastener head disposed flush with the other one of the end walls of the head (Fig. 1).

Uratani teaches the concept of using a threaded fastener in having an enlarged head to be fastened to a barrel. This is related via the molding arts and in the marking of the mold via indicia. It would have been obvious to one of ordinary skill in the art to recognize the pin (8) acts to oppose relative rotation between the head and the barrel.

Thus, one of ordinary skill in the art would recognize and would find obvious to modify Wietrzynski with a fastener as taught by Uratani because it would allow for providing a removable marking device on top of the ejector pin barrel.

Uratani fails to teach an ejector plate assembly.

Wietrzynski teaches an ejector pin for a mold comprising:

- (a) an ejector pin head (18) that is receivable in an ejector plate assembly (34) of the mold (30), the ejector pin head comprising a pair of generally parallel end walls (Fig. 2) having a bore (14) extending therethrough with one of the end walls having a recessed land formed therein that is defined by a flat bottom wall and a sidewall that surrounds the bore with the sidewall being curved with a portion that is straight (Fig. 2);
- (b) a cylindrical ejector pin barrel (12) having a width less than a lengthwise extent of the ejector pin head and having a length greater than its width (Fig. 2), the ejector pin barrel comprising a pair of ejector pin barrel ends and a sidewall that extends between the ejector pin barrel ends with one of the ejector pin barrel ends received in the recessed land (42) being flat and having a circular periphery with a portion of the periphery being straight and the other one of the ejector pin barrel ends being disposed toward a cavity (32) of the mold (Fig. 1) and
- (c) wherein the sidewall of the recessed land surrounds the periphery of the ejector pin barrel end received in the recessed land with the ejector pin barrel end abutting against the bottom wall of the recessed land (Col. 3, lines 11-15) and the straight portion of the ejector pin barrel end bearing against the straight

portion of the sidewall of the recessed land opposing relative rotation between the ejector pin head and the ejector pin barrel (Fig. 1) (Col. 3, lines 50-65).

Wietrzynski also teaches the ejector pin (10) having a first end region (40) with a stepped bore (14), an internal screw (16), a marker that preferably has a date stamp (18) that is screwed into the stepped bore (Col. 3, lines 34-50). This allows for marking of the mold product in the cavity.

It would have been obvious to one of ordinary skill in the art to modify Uratani with the ejector plate assembly to the enlarged head and barrel as taught by Wietrzynski, thereby allow for ejection of the material and imprinting of the material in to the product within the mold.

Allowable Subject Matter

6. Claims 51, 54, 55, 69, 70, 74-78, and 87-90 are allowed.
7. Claims 82-84 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach an ejector pin barrel having D-shaped end and ejector pin having a D-shaped seat, or non-circular seat, or the ejector pin barrel having a sidewall with a flat.

Response to Arguments

9. Applicant's arguments with respect to claims 79-81 have been considered but are moot in view of the new ground(s) of rejection. The applicant's arguments concerning these claims have been considered, however, Uratani teaches the claimed structure minus the ejector plate assembly while Wietrzynski does teach the use of marker that is connected to an ejector plate assembly, thus it would have been obvious to combine the two references and the combined references teach the claimed invention.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (571) 272-1134. The examiner can normally be reached on Monday-Thursday 8 to 5 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Davis can be reached on (571) 272-1129. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EL

DUANE SMITH
PRIMARY EXAMINER
D. Smith
11-28-05